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ENTERED

RON CURRY
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DERRITH WATCHMAN-MOORE
DEPUTY SECRETARY

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

December 27, 2004

Keith Landreth
Attn: ATZC-DOE (Landreth)
Bldg. 624
1733 Pleasonton Road
Fort Bliss, New Mexico 79916-6812

**SUBJECT: NOTICE OF DEFICIENCY
VOLUNTARY CORRECTIVE ACTION REPORT
DŌNA ANA RANGE CAMP CONSTRUCTION DEBRIS PIT REMOVAL
ACTIVITIES
FORT BLISS, NEW MEXICO
EPA ID NO. NM4213720101-01
HWB-FB 02-004**

Dear Mr. Landreth:

The New Mexico Environment Department (NMED) has reviewed Fort Bliss' *Voluntary Corrective Action Report - Dŏna Ana Range Camp Construction Debris Pit Removal Activities*, received on January 23, 2002. The report did not include the cover letter and certification statement required pursuant to 20.4.1.900 NMAC, incorporating 40 CFR 270.11. Fort Bliss submitted this report as a Voluntary Corrective Action Report (VCA Report); however, NMED has determined that it should be treated as a *Release Assessment Report* (see Subsection AA of 20.4.2 NMAC) meeting the requirements for a newly-identified Solid Waste Management Unit, in accordance with permit condition IV.K of Fort Bliss' RCRA permit.

NMED has determined that this report is not adequate and that changes are necessary before it can be approved. Therefore, NMED is issuing Fort Bliss with this Notice of Deficiency (NOD).

NMED's comments are include below. Fort Bliss must address these comments and submit a revised report within 60 days of receipt of this letter. Fort Bliss must include a response letter with the revised report that details where revisions have been made, cross-referencing NMED's numbered comments.

Comments

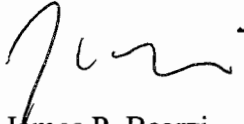
1. Fort Bliss must rename this report to indicate that it is a Release Assessment Report for a newly-discovered SWMU.
2. Fort Bliss must submit the revised Release Assessment Report under a cover letter with the required certification statement.
3. Fort Bliss must provide NMED with a copy of the *Dõna Ana, Oro Grande, and McGregor Range Complex, Fort Bliss, Texas Landfill Usage Archives Search* (Wagner, August 2000) referred to on page 2.
4. Fort Bliss must revise the *Objectives* section to indicate that one of the objectives of the Dõna Ana construction debris pit (DADP) excavation was to comply with permit condition IV.K (*Notification Requirements For And Assessment Of Newly-Identified SWMUs*). Of particular importance is the requirement for Fort Bliss to determine whether a release of any hazardous waste or hazardous constituents has occurred or may occur in the future.
5. Fort Bliss must provide additional details on how its surveyors located the center of the DADP, including detailed site diagrams that can be compared to figures previously submitted in earlier RCRA Facility Investigation (RFI) reports.
6. Fort Bliss must revise the *Excavation and Disposal* section (Pages 3-4) to specifically state whether any hazardous waste or hazardous constituents were uncovered and removed.
7. In the *Backfill Sampling & Analysis* section (Page 4), Fort Bliss states that it backfilled the DADP with soil from the excavated landfill trenches at SWMU 27. Although the analytical data indicate that the stockpiled soil did not contain hazardous waste or hazardous constituents, NMED recommends that Fort Bliss refrain from using material derived from a SWMU as backfill before the final status of that SWMU has been determined.

8. Fort Bliss must revise the analytical report to ensure that all detected constituents, even those that are common laboratory contaminants detected at concentrations less than ten (10) times the concentrations detected in blanks, are flagged and reported appropriately. It is not acceptable to report these constituents as “non-detects” when, in fact, they were detected in the environmental samples. If the constituent was detected in a blank sample, then the results should be appropriately flagged.
9. Fort Bliss indicates that NMED has not established soil screening levels (NMED SSLs) for methylene chloride and propylbenzene. For a hazardous waste or hazardous constituent that NMED has not established a SSL, Fort Bliss must use the most recent version of the EPA Region VI Human Health Medium-Specific Screening Levels (HHMSSLs) (based on a Hazard Index of one (1.0) for compounds designated as “n” (noncarcinogen effects), “max” (maximum concentration), and “sat” (soil saturation concentration), or ten times the EPA Region VI HHMSSL for compounds designated “c” (carcinogen effects) (*i.e.*; a target excess cancer risk level of 10^{-5}). For hazardous waste or constituents that have not been listed in either NMED's SSLs or EPA Region VI's HHMSSLs, Fort Bliss must propose soil cleanup levels developed from other sources. Fort Bliss must revise its report to preferentially use EPA Region VI HHMSSLs rather than EPA Region III Risk Based Concentrations (RBCs).
10. On January 23, 2001, NMED informed all RCRA regulated facilities in New Mexico, including Fort Bliss, that industrial risk-based screening soils for soils could not be used. NMED will not approve reports that propose the use of industrial cleanup standards until such time as statutory authority is created that allows NMED to restrict future land use. Fort Bliss must revise its report to compare the sample results to NMED's residential soil screening levels.
11. Fort Bliss indicates in its *Backfill & Site Restoration* section (page 5) that the DADP site excavation was backfilled with compacted native soil, but does not specify whether Fort Bliss, as a good environmental steward, made any effort to revegetate the backfilled area with native plants. Fort Bliss must revise its report to specify whether it will revegetate the impacted area or provide an explanation of why it has decided not to do so.
12. As NMED discussed in its November 24, 2004 NOD to Fort Bliss, NMED requires facilities to submit analytical data that is based on the method detection limits, not laboratory “reporting limits.” Fort Bliss must revise this report based on method detection limits and must specify whether a constituent was detected. All detections must be reported, even if the laboratory cannot quantify the concentration at which the constituent has been detected.

Keith Landreth
December 27, 2004
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If you have any questions concerning this letter, please call Glenn von Gonten at 505-428-2551.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:gvv

cc: J. Kieling, NMED HWB
D. Cobrain, NMED HWB
G. von Gonten, NMED HWB
L. King, EPA Region 6 (6PD-N)
David Dodge, Fort Bliss

File: Reading File & FB 2004 File, FB 02-004